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| 10/606,025 | 06/25/2003 | Julia E. Moravcsik | D/A3034 | 3945 |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,025

Applicant(s)

MORAVCSIK, JULIA E.

Examiner

NICHOLAS AUGUSTINE

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 05/29/2008. This action is made **Final**.
- B. Claims 1 and 3-11 remain pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3-5 and 7-11 are rejected under 35 U.S.C. 102 (e) as being anticipated by Gorbet et al (US 6,542,163).

As for independent claim 1, Gorbet method for control of an operator-controlled system by a user, comprising the steps of: providing a graphical user interface in a first mode of operation, wherein a first control element is shown (figure 2A); receiving an invocation by the user representative of a request for the functionality of the first control element (col.5, lines 34-35); determining the current status condition of the first control element among a predetermined plurality of status conditions which includes an inactive control element condition and an active control element condition (col.5, line 54); in response

to an invocation of the functionality of the first control element when the current status of the first control element is the inactive control element, changing the graphical user interface to a second mode of operation (col.5, line 59), wherein context-sensitive help information is provided in the graphical user interface (col.5, line 62); providing a second control element, the second control element being operable to enable the user to select an automated procedure so as to change the current status of the first control element to a second status condition of the active control element condition; in response to receiving selection of the automated procedure, performing the automated procedure so as to cause the status of the first control element to be changed to the second status condition of the active control element condition; and in response to completion of the automated procedure changing the graphical user interface to a third mode of operation, wherein the invoked functionality of the first control element is made available to the user (col.5, lines 63-65) and changing the appearance of the control element so as to indicate the changeover to the second status condition. " (col.6,lines 19-36). Gorbet in summary teaches a graphical user interface which provides context help information when the user causes an event within the graphical user interface which poses as a problem that the event/request could not go through and be executed or executing said request would cause unwanted effects, Gorbet further goes on to give automated procedure choices to the user wherein the user can select an automated procedure to go through and perform a desired request by the user that a typical user would not be able to do without the context help information. Thus in respect to independent claim 1 the Examiner believes Gorbet teaches each and every aspect of the immediate

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application pertaining to claim 1, because Gorbet teaches that the system listens for an event or trigger to display context help information and does not limit to any one kind of event or trigger.

As for dependent claim 3, Gorbet teaches the method of claim 2-1, further comprising the steps of graphically representing the current status condition of the first control element in the graphical user interface (col.6, lines 19-36).

As for dependent claim 4, Gorbet teaches the method of claim 3, further comprising the step of providing a change in the appearance of the first control element in the third mode of operation corresponding to the change from the first status condition to the second status condition (col.6, lines 19-36).

As for dependent claim 5, Gorbet teaches the method of claim 1, further comprising the step of altering the appearance of at least a portion of the first control element to reflect the status currently set for the first control element relative to the available functionality of the first control element (figure 2B; control element is underlined and graphical rendering of a context help dialog box is displayed to the user).

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As for dependent claim 7, Gorbet teaches the method of claim 1, wherein the context-sensitive help indicates a basis for the first status condition of the first control element (col.5, lines 63-65).

As for dependent claim 8, Gorbet teaches the method of claim 1, further comprising the step of providing a third control element operable by the user for causing the graphical user interface to return to the first mode of operation (col.5, line 65; control is resolved back to previous state if the user declines the context help automated procedure).

As for dependent claim 9, Gorbet teaches the method of claim 1, wherein the invocation of the functionality of the first control element is performed by operation of a cursor-based input system (col.7, line 32).

As for dependent claim 10, Gorbet teaches the method of claim 1, wherein the invocation of the functionality of the first control element is performed by operation of a touch screen input system (col.6, lines 46-56).

As for dependent claim 11, Gorbet teaches the method of claim 1 wherein the help information comprises an explanation of the inactive control element condition of the first control element (figure 2B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbet in view of Wantuck et al (US 6,134,019), herein referred to as "Wantuck".

As for dependent claim 6, Gorbet teaches the method of claim 5, wherein the appearance of at least a portion of the first control element is in a placeholder during a status condition for the first control element of inactive functionality (col.8, lines 12-29; figure 2A, item 73: the placeholder indicates that the function the user wants is unavailable/ can not happen (said function: desired input of a text format and text length). Gorbet is vague to how the placeholder can take form, and only seems to depict that of outlining the problem area which is unavailable to the user at the current time and not specifically by the means of graying out the area. However in the same field of endeavor, Wantuck teaches a help system wherein a portion of the first control element

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is grayed out during a status condition for the first control element of inactive functionality (col.5, lines 52-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the graphical indication of grayed out an area in a graphical user interface for indication purposes of Wantuck into the context help system which outlines a portion the graphical user interface for indication purposes of Gorbet to yield the predictable result of a grayed out portion to indicate to the user of a problem or unavailability of portion of the user interface. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting in re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 05/29/2008 have been fully considered but they are not persuasive.

After careful review of the amended claims (given the broadest interpretation) and the remarks provided by the Applicant along with the cited reference(s) the Examiner does not agree with the Applicant for at least the reasons provided below:

A1. Applicant argues that Gorbet in view of Wantuck fail to provide the teachings which would anticipate or render obvious the functions now recited in applicant's amended claim 1.

R1. Examiner does not agree, Gorbet provides clear teaching of "in response to receiving the selection of the automated procedure, performing the automated procedure so as to cause the status of the first control element to be changed to the second status condition of the active control element condition; and in response to completion of the automated procedure, changing the graphical user interface to a third mode of operation, wherein the invoked functionality of the first control element is made available to the user; and changing the appearance of the control element so as to indicate the changeover to the second status condition. " (col.6,lines 19-36; wherein the user acts on the help window facility to complete a task in such that when the system completed the task automatically that the affected changes are highlighted to the user as to bring forth the changes to the user for easier understanding of what just happened within the automated system). Thus it is clear that Gorbet teaches each and every limitation that is argued of claim 1 from Applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
August 12, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179